

# UNITED STATES DISTRICT COURT

Middle District of North Carolina

|                              |   |           |
|------------------------------|---|-----------|
| DYLAN DEWITT BANKS,          | ) |           |
|                              | ) |           |
| Plaintiff, pro se,           | ) |           |
|                              | ) | 1:04CV199 |
| v.                           | ) |           |
|                              | ) |           |
| B.J. BARNES, CHUCK WILLISON, | ) |           |
| H. JACKSON, DR. HASSAN, AND  | ) |           |
| MIKE WALLS,                  | ) |           |
|                              | ) |           |
| Defendants.                  | ) |           |

## O-R-D-E-R

On December 12, 2005, in accordance with 28 U.S.C. § 636(b), the Recommendation of the United States Magistrate Judge was filed and notice was served on the parties in this action and a copy was given to the court.

Within the time limitation set forth in the statute, Plaintiff objected to the Recommendation.

The court has appropriately reviewed the portions of the Magistrate Judge's report to which objection was made and has made a de novo determination which is in accord with the Magistrate Judge's report. The court therefore adopts the Magistrate Judge's recommendation.

**IT IS THEREFORE ORDERED** that Defendants' motions for summary judgment [Pleading nos. 31 and 59] be **GRANTED**, that Plaintiff's motion for summary judgment [Pleading no. 46] be **DENIED**, and that this action be dismissed

without prejudice to Plaintiff for failure to exhaust administrative remedies. A judgment dismissing this action will be entered contemporaneously with this Order.

  
UNITED STATES DISTRICT JUDGE

DATE: March 23, 2006